

**HB 30 – TALKING POINTS**

- REGULAR VOTER REGISTRATION CLOSING 30 DAYS BEFORE ELECTIONS.
- A VOTER REGISTERING DURING LATE REGISTRATION ON ELECTION DAY CASTS A PROVISIONAL BALLOT. THE INFORMATION ON THE REGISTRATION CARD HAS TO BE VERIFIED AFTER ELECTION DAY. THE BALLOT THAT IS CAST IS A PROVISIONAL BALLOT.

## **HB 30 TALKING POINTS**

ALL WE'RE DOING IS MOVING LATE REGISTRATION FROM ELECTION DAY BACK TO THE FRIDAY BEFORE.

THE REASON IS SOLELY BECAUSE OF THE FOUR TO SIX HOUR WAITING LINES AT POLLING PLACES.

ELECTION ADMINISTRATORS ARE TRYING TO CONDUCT AN ELECTION, AND PERSONNEL ARE LIMITED.

BY MOVING IT BACK TO THE FRIDAY BEFORE, THEY CAN USE ALL THEIR PERSONNEL TO SPEED UP THE REGISTRATION PROCESS.

ON ELECTION DAY, THEY CAN COMMIT TO THE ELECTION BY HAVING ALL THEIR PERSONNEL WORKING ON IT.

## HOUSE BILL NO. 30

INTRODUCED BY T. WASHBURN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CLOSE OF LATE VOTER REGISTRATION; ENSURING COMPLIANCE WITH THE NATIONAL VOTER REGISTRATION ACT; AMENDING SECTIONS 13-2-301, 13-2-304, 13-19-207, AND 61-5-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 13-2-301, MCA, is amended to read:

**"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

(2) Information to be included in the notice must be prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An individual who submits a completed registration form to the election administrator before the deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the election.

(5) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise~~ as provided in 13-2-304."

**Section 2.** Section 13-2-304, MCA, is amended to read:



~~(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."~~

**Section 4.** Section 61-5-107, MCA, is amended to read:

**"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must be made upon a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state and in compliance with the National Voter Registration Act of 1993, Public Law 103-31, 42 U.S.C. 1973gg, et seq., must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; and

(e) if the applicant is a foreign national whose presence in the United States is temporarily authorized under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship and immigration services of the department of homeland security authorizing the applicant's presence in the United States.



**PRESESSION AUTHORITY TO PREINTRODUCE,  
NUMBER, AND DISTRIBUTE A BILL\***

**DO NOT RETURN THIS FORM EXCEPT TO INTRODUCE THIS BILL.  
SIGNING THIS FORM IS THE SAME AS SIGNING THE BILL AND  
DELIVERING THE BILL TO THE CHIEF CLERK OF THE HOUSE  
OR THE SECRETARY OF THE SENATE.**

(Joint Rule 40-40(6))

To the Executive Director of the Montana Legislative Services Division:

**\*I understand that signing and returning this form has the same effect as introducing the bill during the session. This preintroduction form will authorize the assignment of a bill number and distribution of the bill prior to the convening of the legislative session.**

Please PREINTRODUCE this bill by typing my name and the names of the additional sponsors (if any) on the bill, numbering the bill, and distributing the bill prior to the convening of the legislative session.

You are hereby authorized to number and distribute LC0539.01 prior to the convening of the legislative session. The subject of this bill, as reflected in the title, is:

**A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CLOSE OF LATE VOTER REGISTRATION; ENSURING COMPLIANCE WITH THE NATIONAL VOTER REGISTRATION ACT; AMENDING SECTIONS 13-2-301, 13-2-304, 13-19-207, AND 61-5-107, MCA; AND PROVIDING AN EFFECTIVE DATE."**

YES, I WANT TO PREINTRODUCE THIS BILL, AND I AGREE TO SPONSOR LC0539.

SPONSORED BY Ted Washburn HB69  
CHIEF SPONSOR (SIGN)  
Ted WASHBURN HB69  
CHIEF SPONSOR (PRINT)  
November 17, 2012  
(DATE)

Additional sponsors must sign and print their names here:

**TO PREINTRODUCE THIS BILL, MAIL THIS FORM, SIGNED AND DATED, TO LEGISLATIVE SERVICES DIVISION, PO BOX 201706, HELENA, MONTANA 59620-1706, OR FAX THE FORM TO (406) 444-3036. A BILL NUMBER WILL BE ASSIGNED, YOUR NAME WILL BE TYPED ON THE BILL, AND THE BILL WILL BE DISTRIBUTED PRIOR TO THE CONVENING OF THE LEGISLATIVE SESSION.**

**Note: You do not need to return the bill with this form.**

**DO NOT RETURN THIS FORM EXCEPT TO INTRODUCE THIS BILL.**

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CLOSE OF LATE VOTER REGISTRATION;  
5 ENSURING COMPLIANCE WITH THE NATIONAL VOTER REGISTRATION ACT; AMENDING SECTIONS  
6 13-2-301, 13-2-304, 13-19-207, AND 61-5-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **Section 1.** Section 13-2-301, MCA, is amended to read:

11 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

12 (a) close regular registrations for 30 days before any election; and

13 (b) publish a notice specifying the day regular registrations will close and the availability of the late  
14 registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times  
15 in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in  
16 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest  
17 number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or  
18 broadcast of the notice.

19 (2) Information to be included in the notice must be prescribed by the secretary of state.

20 (3) An application for voter registration properly executed and postmarked on or before the day regular  
21 registration is closed must be accepted as a regular registration for 3 days after regular registration is closed  
22 under subsection (1)(a).

23 (4) An individual who submits a completed registration form to the election administrator before the  
24 deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m.  
25 on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the  
26 election.

27 (5) An elector who misses the deadlines provided for in this section may register to vote or change the  
28 elector's voter information and vote in the election, ~~except as otherwise~~ as provided in 13-2-304."

29

30 **Section 2.** Section 13-2-304, MCA, is amended to read:



1       **"13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as  
2 provided in subsections (2) and (3), the following provisions apply:

3       (a) An elector may register or change the elector's voter registration information after the close of regular  
4 registration in 13-2-301 and vote in the election if the election administrator in the county where the elector  
5 resides receives and verifies the elector's voter registration information prior to ~~the close of the polls on election~~  
6 ~~day.~~

7 ~~—— (b) Late registration is closed from noon to 5 p.m. on the day Friday before the election.~~

8       ~~(c)~~(b) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter  
9 information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns  
10 it to the location designated by the county election administrator.

11       (2) If an elector has already been issued a ballot for the election, the elector may change the elector's  
12 voter registration information only if the original voted ballot has not been received at the county election office  
13 and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration  
14 database prior to the change.

15       (3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a  
16 school election held pursuant to Title 20."

17  
18       **Section 3.** Section 13-19-207, MCA, is amended to read:

19       **"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2), for any election  
20 conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before  
21 election day.

22       (2) (a) All ballots mailed to electors on the active list and provisionally registered list must be mailed the  
23 same day.

24       (b) At any time before noon on the day before election day, a ballot may be mailed or, upon request,  
25 provided in person at the election administrator's office to:

26       (i) an elector on the inactive list after the elector reactivates the elector's registration as provided in  
27 13-2-222; or

28       (ii) an individual who registers under the late registration option provided for in 13-2-304.

29       (c) An elector on the inactive list shall vote at the election administrator's office on election day if the  
30 elector reactivates the elector's registration after noon on the day before election day.



1 ~~(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must~~  
2 ~~receive the ballot and vote it at the election administrator's office."~~  
3

4 **Section 4.** Section 61-5-107, MCA, is amended to read:

5 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each  
6 application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must  
7 be made upon a form furnished by the department. Each application must be accompanied by the proper fee,  
8 and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a  
9 period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the  
10 secretary of state and in compliance with the National Voter Registration Act of 1993, Public Law 103-31, 42  
11 U.S.C. 1973gg, et seq., must be attached to each driver's license application. If the applicant wishes to register  
12 to vote, the department shall accept the registration and forward the form to the election administrator.

13 (2) Each application must include the full legal name, date of birth, sex, residence address of the  
14 applicant [and the applicant's social security number], must include a brief description of the applicant, and must  
15 provide the following additional information:

16 (a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type  
17 of motor vehicle during the 10-year period immediately preceding the date of the application;

18 (b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation,  
19 cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in  
20 another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

21 (c) a brief description of any physical or mental disability, limitation, or condition that impairs or may  
22 impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle  
23 on the highway;

24 (d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon  
25 or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a  
26 motor vehicle on the highway, including the nature of the equipment or restrictions; and

27 (e) if the applicant is a foreign national whose presence in the United States is temporarily authorized  
28 under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship  
29 and immigration services of the department of homeland security authorizing the applicant's presence in the  
30 United States.

1 [(3) The department shall keep the applicant's social security number from this source confidential,  
2 except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted  
3 by state law administered by the department and may be provided to the department of public health and human  
4 services for use in administering Title IV-D of the Social Security Act.]

5 (4) (a) When an application is received from an applicant who is not ineligible for licensure under  
6 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the  
7 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year  
8 period. The driving record may be transmitted manually or by electronic medium.

9 (b) When received, the driving records must be appended to the driver's record created and maintained  
10 in this state. The department may rely on information contained in driving records received under this section to  
11 determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a  
12 conviction or other conduct requiring suspension or revocation of a driver's license under state law.

13 (5) An individual who is under 26 years of age but at least 15 years of age and who is required to register  
14 in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity  
15 to fulfill those registration requirements in conjunction with an application for an instruction permit, driver's license,  
16 commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an  
17 individual must be provided an opportunity to be registered by the selective service system upon attaining 18  
18 years of age. Any registration information supplied on the application must be transmitted by the department to  
19 the selective service system. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L.  
20 1999.)"

21  
22 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2013.

23 - END -



**Montana Legislative Services Division**  
**Office of the Executive Director**

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PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

November 13, 2012

RE: Bill introduction before January 7, 2013

Dear Representative Ted Washburn:

Enclosed is the final draft of LC0539. The following options are available to you regarding your bill:

1. Hold the bill until the session begins and use the standard method of introduction. Under this option, the Legislative Services Division will prepare the bill for introduction in the session form and you can sign for the bill at the LSD front desk on the first legislative day.
2. Revise the bill subject to the "redo" limitations explained in your earlier review drafts.
3. Cancel the request. If you choose this option, please notify the Legislative Services Division so that it does not do any further work on your bill.
4. Preintroduce the bill. The following paragraph explains the preintroduction process.

The preintroduction of bills helps the Legislature get off to a faster start. **To preintroduce your bill, sign the enclosed preintroduction form and return the signed form to the Legislative Services Division as soon as possible** before 5:00 p.m. on December 15, 2012. Alternatively, you may fax the signed form to the Legislative Services Division at (406) 444-3036. Proxy signatures or phone authorizations will not be accepted.

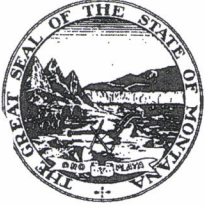
If you have any questions about the preintroduction process or your options, please contact me at 444-3066 or [sfox@mt.gov](mailto:sfox@mt.gov).

Sincerely,

A handwritten signature in cursive script that reads "Susan B. Fox".

Susan Byorth Fox  
Executive Director





## Montana Legislative Services Division

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PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

### REQUESTER REVIEW OF INITIAL BILL DRAFT

DATE: October 25, 2012  
TO: Ted Washburn  
FROM: K.V. ("Ginger") Aldrich

Enclosed is a draft of LC0539, which I believe implements your request. After you have reviewed the draft, please immediately return the attached instruction letter to me or call me at 444-4449 with your instructions.

In accordance with Legislative Council Rules of Procedure, if I have not received instructions from you by 5 p.m. on Thursday, November 08, 2012, I will place the enclosed draft on hold or submit the draft for legal review by the Legislative Services Division.

After this draft has been submitted for legal review, you may request additional changes. However, after one redo, additional changes requested by you will result in the draft being moved to the bottom of my bill drafting priority list. An exception may be made for clerical errors only.

**INSTRUCTION LETTER FOR PROCESSING LC0539 AFTER INITIAL REVIEW**

Deadline for notifying drafter with your instructions: Thursday, November 08, 2012

TO: K.V. ("Ginger") Aldrich  
FROM: Ted Washburn

I have received LC0539 for initial review, along with its cover letter dated October 25, 2012.

Here are my instructions for processing LC0539:

- ☒ **PROCEED.** This draft is satisfactory as is. Please submit this draft for legal review by the Legislative Services Division now.
- ☐ **PROCEED AFTER MAKING THE ENCLOSED CHANGES.** Enclosed are changes that will make the draft satisfactory. Please submit this draft for legal review by the Legislative Services Division after making these changes.
- ☐ **MAKE THE ENCLOSED CHANGES--THEN RETURN TO ME.** Please return the draft (with changes made) to me for review.
- ☐ **PUT ON HOLD. I NEED MORE TIME TO REVIEW THIS DRAFT.** I have no changes to make at this time, but I need more time to determine what, if any, additional changes need to be made.
- ☐ **CANCEL THIS DRAFT REQUEST.**

Signature Ted Washburn HD69  
October 27, 2012

**Unofficial Draft Copy**

As of: October 25, 2012 (3:24pm)

LC0539

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising the close of late voter registration, ensuring registration compliance with the National Voter Registration Act; amending sections 13-2-301, 13-2-304, 13-19-207, and 61-5-107, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 13-2-301, MCA, is amended to read:

**"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.



## Unofficial Draft Copy

As of: October 25, 2012 (3:24pm)

LC0539

(2) Information to be included in the notice must be prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An individual who submits a completed registration form to the election administrator before the deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the election.

(5) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise~~ as provided in 13-2-304."

{ Internal References to 13-2-301:

13-2-115x      13-2-304a      13-2-514x      13-13-301x }

**Section 2.** Section 13-2-304, MCA, is amended to read:

**"13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives

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LC0539

and verifies the elector's voter registration information prior to ~~the close of the polls on election day.~~

~~(b) Late registration is closed from noon to 5 p.m. on the day Friday~~ before the election.

~~(c)~~(b) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns it to the location designated by the county election administrator.

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration database prior to the change.

(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20."

{ Internal References to 13-2-304:

13-2-301x	13-2-301a	13-2-514x	13-19-207x
13-19-207a	13-19-303x	13-21-104x	13-21-201x
13-21-203x	13-21-210x		

**Section 3.** Section 13-19-207, MCA, is amended to read:

**"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2), for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before election day.

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As of: October 25, 2012 (3:24pm)

LC0539

(2) (a) All ballots mailed to electors on the active list and provisionally registered list must be mailed the same day.

(b) At any time before noon on the day before election day, a ballot may be mailed or, upon request, provided in person at the election administrator's office to:

(i) an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual who registers under the late registration option provided for in 13-2-304.

(c) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

~~(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."~~

{Internal References to 13-19-207: None.}

**Section 4.** Section 61-5-107, MCA, is amended to read:

**"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must be made upon a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6



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As of: October 25, 2012 (3:24pm)

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months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state and in compliance with the National Voter Registration Act of 1993, Public Law 103-31, codified at 42 U.S.C. 1973gg, et seq., must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(d) a brief description of any adaptive equipment or

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As of: October 25, 2012 (3:24pm)

LC0539

operational restrictions that the applicant relies upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; and

(e) if the applicant is a foreign national whose presence in the United States is temporarily authorized under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship and immigration services of the department of homeland security authorizing the applicant's presence in the United States.

[(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year period. The driving record may be transmitted manually or by electronic medium.

(b) When received, the driving records must be appended to the driver's record created and maintained in this state. The

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As of: October 25, 2012 (3:24pm)

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department may rely on information contained in driving records received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law.

(5) An individual who is under 26 years of age but at least 15 years of age and who is required to register in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity to fulfill those registration requirements in conjunction with an application for an instruction permit, driver's license, commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an individual must be provided an opportunity to be registered by the selective service system upon attaining 18 years of age. Any registration information supplied on the application must be transmitted by the department to the selective service system. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

{ Internal References to 61-5-107:  
13-2-110x 61-5-122x }

NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective July 1, 2013..

- END -

{Name : K.V. ("Ginger") Aldrich  
Title : Legislative Attorney  
Agency : Legislative Services Division  
Phone : 444-4449  
E-Mail : KVAldrich@mt.gov}



**LC0539 Draft of Revision to Late Registration (Friday before Election)**

---

**From:** "Aldrich, Ginger" <KVAldrich@mt.gov>  
**To:** "ted@tedwashburn.com"  
**Subject:** LC0539 Draft of Revision to Late Registration (Friday before Election)  
**Date:** Oct 25, 2012 9:09 AM  
**Attachments:** [LC0539.pdf](#)

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Representative Washburn,

Please find your bill draft regarding revisions to late registration attached. Currently it has the default effective date of Oct. 1 following the session. If you would like it to have an immediate applicability date or an alternate date, please let me know. Otherwise, if it looks good to you, I will send it on to our editing staff for further processing before the initial hard copy is printed for your review and signature.

Respectfully,

K. Virginia ("Ginger") Aldrich  
Legislative Attorney  
Montana State Legislature

*called on 10-22-12*

*change date until 7-1-13*

**Unofficial Draft Copy**

As of: October 25, 2012 (9:07am)

LC0539

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising the close of late voter registration, ensuring registration compliance with the National Voter Registration Act; amending sections 13-2-301, 13-2-304, 13-19-207, and 61-5-107, MCA."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 13-2-301, MCA, is amended to read:

**"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

(2) Information to be included in the notice must be

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As of: October 25, 2012 (9:07am)

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prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An individual who submits a completed registration form to the election administrator before the deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the election.

(5) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise~~ as provided in 13-2-304."

{ Internal References to 13-2-301:

13-2-115x      13-2-304a      13-2-514x      13-13-301x }

**Section 2.** Section 13-2-304, MCA, is amended to read:

**"13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior



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As of: October 25, 2012 (9:07am)

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~~to the close of the polls on election day.~~

~~(b) Late registration is closed from noon to 5 p.m. on the day Friday before the election.~~

~~(c)~~ (b) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns it to the location designated by the county election administrator.

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration database prior to the change.

(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20."

{ Internal References to 13-2-304:

13-2-301x	13-2-301a	13-2-514x	13-19-207x
13-19-207a	13-19-303x	13-21-104x	13-21-201x
13-21-203x	13-21-210x }		

**Section 3.** Section 13-19-207, MCA, is amended to read:

**"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2), for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before election day.

(2) (a) All ballots mailed to electors on the active list

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As of: October 25, 2012 (9:07am)

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and provisionally registered list must be mailed the same day.

(b) At any time before noon on the day before election day, a ballot may be mailed or, upon request, provided in person at the election administrator's office to:

(i) an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual who registers under the late registration option provided for in 13-2-304.

(c) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

~~(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."~~

{Internal References to 13-19-207: None.}

**Section 4.** Section 61-5-107, MCA, is amended to read:

**"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must be made upon a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form

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As of: October 25, 2012 (9:07am)

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for mail registration as prescribed by the secretary of state and in compliance with the National Voter Registration Act of 1993, Public Law 103-31, codified at 42 U.S.C. 1973gg, et seq., must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon or



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received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law.

(5) An individual who is under 26 years of age but at least 15 years of age and who is required to register in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity to fulfill those registration requirements in conjunction with an application for an instruction permit, driver's license, commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an individual must be provided an opportunity to be registered by the selective service system upon attaining 18 years of age. Any registration information supplied on the application must be transmitted by the department to the selective service system. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

{ Internal References to 61-5-107:  
13-2-110x 61-5-122x }

- END -

{Name : K.V. ("Ginger") Aldrich  
Title : Legislative Attorney  
Agency: Legislative Services Division  
Phone : 444-4449  
E-Mail: KVAldrich@mt.gov}

**RE: LC0539 Revising Late Voter Registration**

---

**From:** "Aldrich, Ginger" <KVAldrich@mt.gov>  
**To:** "ted@tedwashburn.com"  
**Subject:** RE: LC0539 Revising Late Voter Registration  
**Date:** Oct 24, 2012 5:19 PM  
**Attachments:** [NVRA.pdf](#)

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Representative Washburn,

I just realized I erroneously quoted HAVA to you as the pertinent federal statute, below, but I meant the National Voter Registration Act of 1993. I am attaching a copy of it, and I have highlighted the relevant sections for you in case it comes up in committee.

In addition, after considering the inactive voter provision at length again, with your permission I would like to contact the Secretary of State's office to find out if ending late registration on the Friday before presents any logistical problems for them in relation to inactive voters. They may already treat different classes of inactive voters differently and because it wasn't in the bill almost identical to this one that passed in 2011 but was not signed by the Governor, I wonder if it can just be left out. Let me know if I can contact them and found out if this would present any challenges for them regarding inactive voters or if you would prefer to proceed as we discussed earlier today.

Respectfully,

K. Virginia ("Ginger") Aldrich  
Legislative Attorney  
Montana State Legislature

---

**From:** Aldrich, Ginger  
**Sent:** Tuesday, October 23, 2012 4:47 PM  
**To:** ted@tedwashburn.com  
**Subject:** LC0539 Revising Late Voter Registration

Representative Washburn,

I just left a message for you on your machine. I received your bill request regarding revising late registration to the Friday before the election (LC0539). I am attaching the preliminary version of the bill draft.

<< File: LC0539.doc >>

However, I wanted to make you aware of two issues.

1. There is a possible federal conflict with our statutes if this bill passes. If this bill passes and Montana no longer has same day voter registration, the ~~Help America Vote Act (HAVA)~~ [National Voter Registration Act](#) becomes applicable for registrations. One of the requirements for HAVA is that the Department of Motor Vehicles must process voter registrations simultaneously with driver registrations unless the applicant declines to be registered for voting. Fortunately,



Montana already has a provision providing for voter registration concurrently with driver registration (65-5-107), but the federal statute is very specific about what must be in the form, and our statute is much broader leaving the form content up to the secretary of state's discretion; therefore, the forms may not be in compliance with the federal statute if this passes. To bring the statute into compliance with federal requirements, I would recommend also amending 65-5-107 to incorporate the requirements currently found in HAVA for the motor vehicle forms.

2. Secondly, as you know, this bill changes late registration for unregistered voters. It may also affects some inactive voters (registered voters who have been put on the inactive list). Inactive voters have been put on the inactive list for reasons such as failure to return an address card, being on the change of address list, etc. If they don't vote in 2 consecutive federal general elections, their registration is cancelled. However, if they take certain steps, they can be put back on the active voter rolls, such as appearing at a polling place to vote, **updating their address information**, or completing a reactivation form (13-2-222). Because changing late registration affects those electors who need to "change the elector's voter registration information," this bill **may** affect those inactive voters trying to update their address information. Because of this uncertainty, it would be good to clarify whether this bill affects inactive voters or not. I am including the pertinent statute for your review:

13-2-222. Reactivation of elector. (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

(a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in a polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13, chapter 19;

(b) notifies the county election administrator in writing of the elector's current residence, which must be in that county; or

(c) completes a reactivation form provided by the county election administrator that provides current address information in that county.

(2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election administrator shall place the elector's name on the active voting list for that county.

(3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes of the election in which the elector voted.

History: En. Sec. 14, Ch. 246, L. 1997; amd. Sec. 2, Ch. 208, L. 1999; amd. Sec. 1, Ch. 446, L. 2005; amd. Sec. 8, Ch. 297, L. 2009; amd. Sec. 12, Ch. 242, L. 2011.

Please let me know if you would like me to address this issues in your bill draft and/or if there are any other changes you would like me to make before sending it on for further processing before it is officially sent out to you for your signature.

Respectfully,

K. Virginia ("Ginger") Aldrich  
Legislative Attorney  
Montana State Legislature



## LC0539 Revising Late Voter Registration

---

**From:** "Aldrich, Ginger" <KVAldrich@mt.gov>  
**To:** "ted@tedwashburn.com"  
**Subject:** LC0539 Revising Late Voter Registration  
**Date:** Oct 23, 2012 4:46 PM  
**Attachments:** [LC0539.doc](#)

---

Representative Washburn,

I just left a message for you on your machine. I received your bill request regarding revising late registration to the Friday before the election (LC0539). I am attaching the preliminary version of the bill draft.

However, I wanted to make you aware of two issues.

1. There is a possible federal conflict with our statutes if this bill passes. If this bill passes and Montana no longer has same day voter registration, the Help America Vote Act (HAVA) becomes applicable for registrations. One of the requirements for HAVA is that the Department of Motor Vehicles must process voter registrations simultaneously with driver registrations unless the applicant declines to be registered for voting. Fortunately, Montana already has a provision providing for voter registration concurrently with driver registration (65-5-107), but the federal statute is very specific about what must be in the form, and our statute is much broader leaving the form content up to the secretary of state's discretion; therefore, the forms may not be in compliance with the federal statute if this passes. To bring the statute into compliance with federal requirements, I would recommend also amending 65-5-107 to incorporate the requirements currently found in HAVA for the motor vehicle forms.
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13-2-222. Reactivation of elector. (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

- (a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in a polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13, chapter 19;
  - (b) notifies the county election administrator in writing of the elector's current residence, which must be in that county; or
  - (c) completes a reactivation form provided by the county election administrator that provides current address information in that county.
- (2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election administrator shall place the elector's name on the active voting list for that county.
- (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes of

the election in which the elector voted.

History: En. Sec. 14, Ch. 246, L. 1997; amd. Sec. 2, Ch. 208, L. 1999; amd. Sec. 1, Ch. 446, L. 2005; amd. Sec. 8, Ch. 297, L. 2009; amd. Sec. 12, Ch. 242, L. 2011.

Please let me know if you would like me to address this issues in your bill draft and/or if there are any other changes you would like me to make before sending it on for further processing before it is officially sent out to you for your signature.

Respectfully,

K. Virginia ("Ginger") Aldrich  
Legislative Attorney  
Montana State Legislature

**Unofficial Draft Copy**

As of: October 23, 2012 (8:09PM)

LC0539

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising the close of late voter registration; and amending sections 13-2-301, 13-2-304, and 13-19-207, MCA."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 13-2-301 , MCA, is amended to read:

**"13-2-301. Close of regular registration -- notice -- changes.**

(1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

(2) Information to be included in the notice must be prescribed by the secretary of state.



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As of: October 23, 2012 (8:09PM)

LC0539

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An individual who submits a completed registration form to the election administrator before the deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the election.

(5) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise~~ as provided in 13-2-304."

{ Internal References to 13-2-301:

13-2-115x      13-2-304a      13-2-514x      13-13-301x }

**Section 2.** Section 13-2-304 , MCA, is amended to read:

**"13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to ~~the close of the~~

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As of: October 23, 2012 (8:09PM)

LC0539

~~polls on election day.~~

~~— (b) Late registration is closed from noon to 5 p.m. on the day~~  
Friday before the election.

~~(e)~~ (b) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns it to the location designated by the county election administrator.

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration database prior to the change.

(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20."

{ Internal References to 13-2-304:

13-2-301x	13-2-301a	13-2-514x	13-19-207x
13-19-207a	13-19-303x	13-21-104x	13-21-201x

13-21-203x    13-21-210x }

**Section 3.** Section 13-19-207 , MCA, is amended to read:

**"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2), for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before election day.

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As of: October 23, 2012 (8:09PM)

LC0539

(2) (a) All ballots mailed to electors on the active list and provisionally registered list must be mailed the same day.

(b) At any time before noon on the day before election day, a ballot may be mailed or, upon request, provided in person at the election administrator's office to:

(i) an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual who registers under the late registration option provided for in 13-2-304.

(c) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

~~(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."~~

{ Internal References to 13-19-207: None. }

- END -

{ Name : K.V. ("Ginger") Aldrich  
Title : Legislative Attorney  
Agency : Legislative Services Division  
Phone : 444-4449  
E-Mail : KVAldrich@mt.gov }



## Montana Code Annotated 2011

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**13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in [13-2-301](#) and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to the close of the polls on election day.

(b) Late registration is closed from noon to 5 p.m. on the day before the election.

(c) Except as provided in [13-2-514\(2\)\(a\)](#), an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns it to the location designated by the county election administrator.

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration database prior to the change.

(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20.

**History:** En. Sec. 1, Ch. 286, L. 2005; amd. Sec. 5, Ch. 273, L. 2007; amd. Sec. 10, Ch. 297, L. 2009; amd. Sec. 13, Ch. 242, L. 2011.

*Provided by Montana Legislative Services*

## Voter Registration Lists

---

**From:** morganbrk@aol.com  
**To:** ted@tedwashburn.com  
**Subject:** Voter Registration Lists  
**Date:** Dec 26, 2012 3:42 PM

---

Sen Washburn:

I bought the voter registration lists for Lewis and Clark today, and lo and behold there are only 4 registrations after Oct 9, the end of "regular" registrations. We found the same oddity in Park County. There is something wrong with this, I sent an inquiry to the County. I am guessing, they count all registrations after regular registration as "registering" on that day, although this is falsifying records and I've not seen this done before. However, it does bode well for your bill as it seems no one is registering after the Absentee Ballots cut off anyway. Obviously same day registration is not needed

Mary